

Absent.

Blackert.

Absent—Excused.

Beck.

Woodward.

Fellbaum.

Previous Question.

Senator Patton moved the previous question on the engrossment of the bill and the committee amendments.

The previous question was ordered by the following vote:

Yeas—13.

Duggan.

Rawlings.

Holbrook.

Regan.

Hopkins.

Russek.

Hornsby.

Sanderford.

Martin.

Small.

Parr.

Stone.

Patton.

Nays—12.

Collie.

Oneal.

Cousins.

Pace.

DeBerry.

Poage.

Greer.

Purl.

Moore.

Redditt.

Murphy.

Woodruff.

Present—Not Voting.

Neal.

Absent.

Blackert.

Woodul.

Absent—Excused.

Beck.

Woodward.

Fellbaum.

The vote was verified.

Adjournment.

On motion of Senator DeBerry the Senate at 6:25 o'clock p. m., adjourned until 8 o'clock p. m. tonight.

SEVENTEENTH DAY.

Senate Chamber,
Austin, Texas,

February 24, 1934.

The Senate met at 8 o'clock p. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum was

not present, the following Senators answering to their names:

Blackert.

Parr.

Collie.

Patton.

DeBerry.

Poage.

Greer.

Purl.

Holbrook.

Redditt.

Hornsby.

Regan.

Murphy.

Sanderford.

Neal.

Stone.

Oneal.

Woodruff.

Pace.

Woodul.

Absent.

Cousins.

Moore.

Duggan.

Rawlings.

Hopkins.

Russek.

Martin.

Small.

Absent—Excused.

Beck.

Woodward.

Fellbaum.

Senator Poage moved that the Senate adjourn until 10 o'clock Monday morning.

The motion to adjourn was lost by the following vote:

Yeas—5.

DeBerry.

Poage.

Holbrook.

Purl.

Pace.

Nays—15.

Blackert.

Patton.

Collie.

Redditt.

Greer.

Regan.

Hornsby.

Sanderford.

Murphy.

Stone.

Neal.

Woodruff.

Oneal.

Woodul.

Parr.

Absent.

Cousins.

Moore.

Duggan.

Rawlings.

Hopkins.

Russek.

Martin.

Small.

Absent—Excused.

Beck.

Woodward.

Fellbaum.

Senator Stone moved a call of the Senate to secure a quorum.

Senator Hornsby moved as a substitute, a call of the Senate for the purpose of securing a quorum and to disposing of pending business.

The substitute motion prevailed by the following vote:

Yeas—14.

Blackert.	Purl.
Collie.	Regan.
Greer.	Russek.
Hornsby.	Sanderford.
Neal.	Stone.
Oneal.	Woodruff.
Parr.	Woodul.

Nays—7.

DeBerry.	Pace.
Holbrook.	Poage.
Moore.	Redditt.
Murphy.	

Absent.

Cousins.	Patton.
Duggan.	Rawlings.
Hopkins.	Small.
Martin.	

Absent—Excused.

Beck.	Woodward.
Fellbaum.	

Senator Purl moved to call in the absent members that are in the city.

The motion prevailed.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Stone.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Senators Excused.

On motion of Senator Collie, Senator Beck was excused on account of important business.

On motion of Senator Woodruff, Senator Woodward was excused on account of important business.

Senator Greer moved to make up a calendar and permit each Senator to have one bill.

Point of Order.

Senator DeBerry raised a point of order that to make a calendar would be to amend the Senate Rules which could only be done by the Rules Committee action.

The Chair sustained the point of order.

S. C. R. No. 20.

The Chair, Lieutenant Governor Edgar E. Witt, laid before the Senate S. C. R. No. 20 on second reading relating to legislative intent regarding salaries.

The resolution was adopted.

House Bill No. 125.

Senator DeBerry called from the table H. B. No. 125.

Point of Order.

Senator Sanderford raised the point of order that pending business could not be displaced.

The Chair overruled the point of order.

Senator DeBerry asked unanimous consent to substitute H. B. No. 95 for H. B. No. 125.

Senator Small objected.

House Bill No. 125.

The Chair laid before the Senate the following bill:

H. B. No. 125, A bill to be entitled "An Act to amend Article 920 of the Code of Criminal Procedure of the State of Texas for 1925, so as to provide that a defendant placed in jail on account of failure to pay the fine and costs, can be discharged on habeas corpus by showing that he is too poor to pay the fine and costs, and that he has remained in jail a sufficient length of time to satisfy the fine and costs, at the rate of one dollar for each day; providing further, that a justice of the peace may discharge the defendant upon his showing the same cause by application to such justice; providing that in no event shall the defendant be discharged until he has remained in jail at least ten days; and requiring the justice to note the granting of such application on his docket, and declaring an emergency."

Senator DeBerry sent up the following amendment:

Amend House Bill No. 125, by striking out all of Section 1 and inserting in lieu thereof the following:

Section 1. That Article 793 of the Code of Criminal Procedure of the State of Texas be amended so the same shall hereafter read as follows:

"Article 793. When a defendant is convicted of a misdemeanor and

his punishment is assessed at a pecuniary fine, if he is unable to pay the fine and costs adjudged against him, he may for such time as will satisfy the judgment, be put to work in the workhouse, or on the county farm, or public improvements of the county, as provided in the succeeding article, or if there be no such workhouse, farm or improvements, he shall be imprisoned in jail for a sufficient length of time to discharge the full amount of fine and costs adjudged against him; rating such labor or imprisonment at three dollars for each day thereof."

Amend the caption to conform to the body of the bill.

DeBERRY.

The amendment was adopted.

The bill was read second time and passed to third reading.

On motion of Senator DeBerry, the constitutional rule, requiring bills to be read on three several days, was suspended, and H. B. No. 125 was put on its third reading and final passage by the following vote:

Yeas—26

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hornsby.	Russek.
Moore.	Sanderford.
Murphy.	Small.
Neal.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.

Absent—Excused.

Beck.	Martin.
Fellbaum.	Woodward.
Hopkins.	

Read third time and finally passed by the following vote:

Yeas—24.

Blackert.	Neal.
Cousins.	Oneal.
DeBerry.	Pace.
Duggan.	Parr.
Greer.	Patton.
Holbrook.	Poage.
Hornsby.	Purl.
Moore.	Rawlings.
Murphy.	Redditt.

Regan.	Small.
Russek.	Woodruff.
Sanderford.	Woodul.

Nays—2.

Collie.	Stone.
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Absent—Excused.

Beck.	Martin.
Fellbaum.	Woodward.
Hopkins.	

Senate Bill No. 68.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 68, A bill to be entitled "An Act authorizing W. B. Cross of Travis County, Texas, as innocent purchaser of deficiency certificates Nos. 1205, 1320 and 1395, issued by the Comptroller of the State of Texas, to sue the State of Texas on said deficiency certificates; and providing that suit, or suits, may be instituted and maintained by the said W. B. Cross in any of the courts of Travis County, Texas, against the State of Texas as defendant, for himself on the deficiency certificates now held by him, and also for and on behalf of all other holders of deficiency certificates issued by the Comptroller of the State of Texas, and, who are now holding the same as innocent purchasers, and which were covered by appropriation made in House Bill No. 397, Chapter 108, Acts of the Regular Session of the Forty-second Legislature of the State of Texas; defining innocent purchasers; providing procedure for said purpose and providing for the method and time of payment and re-appropriating funds out of which payment may be made, and declaring an emergency."

Point of Order.

Senator Purl raised the point of order that the Senate had adjourned and that the previous question could not obtain from day to day.

The Chair overruled the point of order.

Point of Order.

Senator Purl raised the point of order that the bill could not have two sections numbered "5" and that one should be renumbered.

The Chair stated that that was not a point of order to be ruled on, but that it might be changed by unanimous consent.

Senator Sanderford asked unanimous consent to make the change.

Senator Woodruff objected.

The committee amendments were adopted.

The bill was read second time and passed to engrossment by the following vote:

Yeas—18.

Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
Duggan.	Rawlings.
Greer.	Russek.
Holbrook.	Sanderford.
Hornsby.	Small.
Moore.	Stone.
Neal.	Woodul.

Nays—8.

DeBerry.	Purl.
Murphy.	Redditt.
Oneal.	Regan.
Poage.	Woodruff.

Absent—Excused.

Beck.	Martin.
Fellbaum.	Woodward.
Hopkins.	

Senator Sanderford moved to suspend the constitutional rule requiring bills to be read on three several days.

The motion was lost by the following vote:

Yeas—18.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Rawlings.
Duggan.	Regan.
Greer.	Russek.
Holbrook.	Sanderford.
Hornsby.	Small.
Moore.	Stone.
Neal.	Woodul.

Nays—8.

DeBerry.	Poage.
Murphy.	Purl.
Oneal.	Redditt.
Pace.	Woodruff.

Absent—Excused.

Beck.	Fellbaum.
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Hopkins.
Martin.

Woodward.

Reason for Vote.

The previous question was ordered and no opportunity given for the merits or demerits of this bill to be discussed, and having no opportunity of knowing the merits of the bill, I therefore did not vote to suspend the rule.

REDDITT.

Senate Bill No. 23.

The Chair laid before the Senate on its third reading the following bill:

S. B. No. 23, A bill to be entitled "An Act amending Section 7 of Chapter 13 of the Third Called Session of the Forty-second Legislature as amended by S. B. No. 300, passed by the Regular Session of the Forty-third Legislature, by adding thereto subdivision (o) relating to payment of refunding eligible obligations of counties and defined road districts, etc., and declaring an emergency."

Senator Hornsby moved the previous question on the bill.

The previous question was ordered by the following vote:

Yeas—13.

Blackert.	Patton.
Cousins.	Rawlings.
Duggan.	Regan.
Hornsby.	Russek.
Murphy.	Sanderford.
Neal.	Small.
Parr.	Woodul.

Nays—12.

Collie.	Pace.
DeBerry.	Poage.
Greer.	Purl.
Holbrook.	Redditt.
Moore.	Stone.
Oneal.	Woodruff.

Absent—Excused.

Beck.	Martin.
Fellbaum.	Woodward.
Hopkins.	

Read third time and finally passed by the following vote:

Yeas—12.

Blackert.	Cousins.
Collie.	Fellbaum.

Greer.
Hornsby.
Neal.
Parr.
Patton.

Redditt.
Russek.
Sanderford.
Woodul.

Nays—12.

DeBerry.
Holbrook.
Moore.
Oneal.
Pace.
Poage.

Purl.
Rawlings.
Regan.
Small.
Stone.
Woodruff.

Absent—Excused.

Beck.

Martin.

The Chair voted "yea."

(Pairs Recorded.)

Senator Duggan (present), who would vote nay, with Senator Woodward (absent), who would vote yea.

Senator Murphy (present), who would vote nay, with Senator Hopkins (absent), who would vote yea.

Senate Bill No. 20.

The Chair laid before the Senate on its second reading the following bill:

By Senator DeBerry:

S. B. No. 20, A bill to be entitled "An Act amending Articles 5740, 5742, 5744, and 5757 of the Revised Civil Statutes of Texas, 1925, relating to cooperative marketing associations, said articles being a portion of what is commonly known as the Co-operative Marketing Act of Texas; and declaring an emergency."

Senator DeBerry moved to substitute H. B. No. 95 to be considered at this time in lieu of S. B. No. 20.

Senator Woodruff moved as a substitute to set H. B. No. 95 for special order at 10 o'clock a. m., Monday.

The bill was set for special order by the following vote:

Yeas—17.

Blackert.
DeBerry.
Duggan.
Greer.
Hornsby.
Moore.
Murphy.
Neal.
Oneal.

Poage.
Purl.
Rawlings.
Regan.
Sanderford.
Small.
Woodruff.
Woodul.

Nays—9.

Collie.
Cousins.
Holbrook.
Pace.
Parr.

Patton.
Redditt.
Russek.
Stone.

Absent—Excused.

Beck.
Fellbaum.
Hopkins.

Martin.
Woodward.

House Bill No. 100.

Senator Woodruff called from the table H. B. No. 100.

Senator Redditt sent up the following amendment.

Amend H. B. No. 100 by adding a new section to read as follows:

"In all counties of this State, the population of which, according to the last preceding U. S. census, is not less than eleven thousand four hundred and forty (11,440) and not more than eleven thousand four hundred and sixty (11,460), and in counties having a population of not less than eleven thousand nine hundred and ninety (11,990) and not more than twelve thousand and ten (12,010), and in counties having a population of not less than twelve thousand four hundred and sixty (12,460) and not more than twelve thousand four hundred and eighty (12,480), and in counties having a population of not less than twelve thousand five hundred and ten (12,510) and not more than twelve thousand five hundred and forty (12,540). Each county commissioner shall receive an annual salary not to exceed twelve hundred (\$1200.00) dollars per year, payable in twelve (12) equal monthly installments. And in counties having a population of not less than twenty-seven thousand, seven hundred and fifty (27,750) and not more than twenty-seven thousand eight hundred and fifty (27,850), and in counties having a population of not less than thirty thousand two hundred and fifty (30,250) and not more than thirty thousand, three hundred and fifty (30,350), each county commissioner shall receive an annual salary not to exceed eighteen hundred (\$1800.00) dollars payable in twelve (12) equal monthly installments. And in counties having

a population of not less than seventeen thousand (17,000) and not more than seventeen thousand one hundred (17,100), each county commissioner shall receive an annual salary not to exceed fifteen hundred (\$1500.00) dollars, payable in twelve (12) equal monthly installments. And in counties having a population of not less than forty-three thousand one hundred and twenty (43,120) and not more than forty-three thousand two hundred and twenty, (43,220), each county commissioner shall receive an annual salary not to exceed two thousand (\$2000.00) dollars, payable in twelve (12) equal monthly installments. Such salaries within the limits provided for herein to be fixed by the commissioners' court and shall be paid out of the road and bridge fund of the county, or not more than sixty (60%) per cent out of the general or third class fund, and not less than forty (40%) per cent out of the road and bridge fund of such county as the commissioners court of such county shall direct."

The amendment was adopted.

Senator Purl was recorded as voting "no" on the amendment.

Senator Small was recorded as voting "no" on the amendment.

Senator Murphy was recorded as voting "no" on the amendment.

Senator Duggan sent up the following amendment:

Amend H. B. No. 100 by adding a new section as follows:

"Section — That Article 2350, Chapter 44 of the Revised Civil Statutes of the State of Texas, 1925, as amended by Act of the Thirty-ninth Legislature, Regular Session, Chapter 135, Section 1; and as amended by Act of the Fortieth Legislature, page 435, Chapter 490, Section 1; and as amended by Act of the Fortieth Legislature, First Called Session, page 138, Chapter 46, Section 1; and as amended by House Bill No. 555, Chapter 216, Act of the Regular Session of the Forty-third Legislature, be and the same is hereby amended by adding a new section after Section 1, to read as follows:

"Except in all counties having an assessed valuation of more than four million five hundred thousand dollars (\$4,500,000.00) and less than five million dollars (\$5,000,000.00),

according to the last preceding tax roll, each commissioner shall receive an annual salary not to exceed one thousand twenty dollars (\$1,020.00).

"Except in all counties having an assessed valuation of more than four million dollars (\$4,000,000.00) and less than four million five hundred thousand dollars (\$4,500,000.00), according to the last preceding tax roll, each commissioner shall receive an annual salary not to exceed nine hundred sixty dollars (\$960.00).

"In counties having assessed valuations of less than four million dollars (\$4,000,000.00) each county commissioner shall receive five dollars (\$5.00) per day for each day served as commissioner, and when acting as ex-officio road superintendent in his precinct, not to exceed nine hundred dollars (\$900.00) in any year.

"Said salaries to be paid in equal monthly installments; and provided that in counties where the constitutional limit of twenty-five (25) cents on the one hundred dollars (\$100.00) is levied for general purposes said salaries shall be paid at least one-half ($\frac{1}{2}$) out of the road and bridge fund, and at the discretion of the commissioners' court, may all be paid out of the road and bridge fund."

DUGGAN.

Senator Purl moved to table the amendment.

The motion to table prevailed.

Point of Order.

Senator Purl raised the point of order that the bill should be either based on population or on valuation in order to be constitutional.

The Chair refused to rule on a question of constitutionality.

Senator Purl raised the point of order that the amendments were not germane to the bill.

The Chair overruled the point of order.

Senator Parr sent up the following amendment:

Amend H. B. No. 100 by adding a new section to read as follows:

"In all counties in this State, having a population of which, according

to the last preceding United States Federal census of not less than 51,800 and not more than 51,895, the county commissioners salary shall be \$2,500.00 per year, payable in twelve equal monthly installments out of the funds now provided by law."

PARR.

The amendment was adopted.

Senator Woodul sent up the following amendment:

Amend H. B. No. 100 by inserting just preceding the last sentence on bottom of page 2 of the original bill, the following: "in counties having an assessed valuation of in excess of \$250,000,000.00 according to the tax rolls certified by the county assessor, approved by the commissioners' court and approved by the Comptroller for the previous year, the commissioners shall receive a salary of thirty-eight hundred dollars (\$3800.00) per year, payable in equal monthly instalments; and amend the caption to conform."

WOODUL.

The amendment was adopted.

Senator Greer sent up the following amendment:

Amend H. B. No. 100 by inserting the following:

"In counties having an assessed valuation of less than \$10,500,000.00 and more than \$8,000,000.00 and containing a population of not more than 22,600 and not less and 22,300 population, according to the official census, the salaries of the county commissioners of such counties shall not exceed \$1,500.00 per annum."

GREER.

The amendment was adopted.

Senator Greer sent up the following amendment:

Amend H. B. No. 100 by adding another section to be known as Section 1C, to read as follows:

"Section 1C. That the salaries and compensation of the county commissioners in counties having a population of not less than thirty-four thousand five hundred nor more than thirty-four thousand seven hundred fifty, according to the last Federal census, shall be eighteen hundred dollars (\$1,800.00) per annum, payable in equal monthly installments of one hundred fifty dol-

lars (\$150.00). That not to exceed three-fourths of said salaries may be paid out of the road and bridge fund and that the remainder may be paid out of the general fund of such counties."

GREER.

The amendment was adopted.

Senator Woodward sent up the following amendment:

Amend H. B. No. 100 by adding the following at the end of Section 1:

"Provided that in all counties having a population of not less than thirteen thousand six hundred and forty (13,640) inhabitants, and not more than thirteen thousand nine hundred and eighty-five (13,985) inhabitants according to the last preceding Federal census, each county commissioner shall receive a salary not to exceed twelve hundred (\$1200.00) dollars per year, payable in equal monthly installments."

WOODWARD.

The amendment was adopted.

Senator Regan sent up the following amendment:

Amend H. B. No. 100 by inserting a new section providing that the salary of county commissioners in counties having an assessed valuation of more than \$40,000,000.00 and a population not less than 7,800 nor more than 7,950 according to the last preceding Federal census, shall receive an annual salary of \$2,400.00 payable in twelve equal monthly installments. Amend the caption of said bill to conform.

REGAN.

The amendment was adopted.

Senator Woodward sent up the following amendment:

Amend H. B. No. 100 by adding the following:

"And in counties having a population of not less than 7645 and not more than 7700, according to the last Federal census, the salary of each county commissioner shall be one thousand (\$1000.00) dollars per year, and in counties having a population of not less than 23,660 and not more than 23,700 according to the last Federal census, each county commissioner's salary shall be \$1800 per year."

WOODWARD.

The amendment was adopted.

Senator Purl moved to indefinitely postpone the bill as amended.

Previous Question Ordered.

On motion of Senator Small, the previous question was ordered on the motion to postpone the bill.

The motion to postpone prevailed by the following vote:

Yeas—16.

Blackert.	Oneal.
Collie.	Pace.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Holbrook.	Rawlings.
Hornsby.	Russek.
Murphy.	Small.

Nays—10.

Greer.	Regan.
Moore.	Sanderford.
Neal.	Stone.
Parr.	Woodruff.
Redditt.	Woodul.

Absent—Excused.

Beck.	Martin.
Fellbaum.	Woodward.
Hopkins.	

H. B. No. 52 Set for Special Order

On motion of Senator Redditt, H. B. No. 52 was set for special order after H. B. No. 28 previously set for special order.

House Bill No. 79.

On motion of Senator Regan, the Senate granted unanimous consent to take up and consider the following bill:

H. B. No. 79, A bill to be entitled "An Act amending Section 3, of Chapter 67, Acts of the First Called Session of the Forty-third Legislature, same being Senate Bill No. 52, so as to provide the method of prorating funds provided in said chapter; fixing date for filing claims under said appropriation; providing that claims arising thereunder shall not be negotiable or assignable; providing that no commissions or fees shall be paid for presenting and/or prosecuting said claims, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Regan the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 79 was put on its third reading and final passage by the following vote:

Yeas—26.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hornsby.	Russek.
Moore.	Sanderford.
Murphy.	Small.
Neal.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.

Absent—Excused.

Beck.	Martin.
Fellbaum.	Woodward.
Hopkins.	

Read third time and finally passed by the following vote:

Yeas—25.

Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Parr.	

Nays—1.

Pace.

Absent—Excused.

Beck.	Martin.
Fellbaum.	Woodward.
Hopkins.	

House Bill No. 100.

Senator Rawlings moved to reconsider the vote by which H. B. No. 100 was postponed, for the purpose of removing the amendments.

Senator DeBerry moved to table the motion to reconsider the vote.

The motion to table prevailed by the following vote:

Yeas—18.

Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Holbrook.	Regan.
Murphy.	Russek.
Neal.	Sanderford.
Oneal.	Small.

Nays—8.

Greer.	Redditt.
Hornsby.	Stone.
Moore.	Woodruff.
Rawlings.	Woodul.

Absent—Excused.

Beck.	Martin.
Fellbaum.	Woodward.
Hopkins.	

Senate Bill No. 26—H. B. No. 88.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 26, A bill to be entitled "An Act declaring the policy of the Legislature to provide for the general welfare by co-operation with the Federal Government in making effective the provisions of the National Agricultural Adjustment Act and the National Recovery Act within the State of Texas with reference to producers, distributors and processors of milk and milk products; defining certain terms used in the bill; providing for application to the Commissioner of Agriculture by groups engaged in the milk industry, in counties having a population in excess of 350,000 according to the last preceding Federal census for the setting up of code, codes or agreements; authorizing local milk industry boards in said counties after hearing to set up and promulgate a code, codes of agreements for fair competition for the milk industry; authorizing said board to impose such conditions as are necessary to make the codes effective and to establish rules and regulations for their conduct; providing penalties for violation of such codes; providing jurisdiction for district courts affecting the operation of the codes;

directing county and district attorneys to bring actions to enforce this Act; providing for the amending, modification or change of codes set up under this Act; providing for the publication by said board of codes; authorizing the said board to suspend or revoke certificates of authority; providing a penalty for violation of the Act; providing a fee for the certificates of authority and making provisions for funds for the administration of this Act; making an appropriation of such funds for the enforcement of the Act; providing that if any section or provision of the Act should be declared unconstitutional such decision shall not affect other provisions or portions of this Act, and declaring an emergency."

On motion of Senator Woodul, H. B. No. 88 was substituted for S. B. No. 26, being the House bill on the same subject.

The bill was read second time and passed to third reading.

On motion of Senator Woodul, the constitutional rule, requiring bills to be read on three several days, was suspended, and H. B. No. 88 was put on its third reading and final passage by the following vote:

Yeas—24.

Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hornsby.	Russek.
Moore.	Sanderford.
Murphy.	Small.
Neal.	Stone.
Pace.	Woodruff.
Parr.	Woodul.

Present—Not Voting

DeBerry.	Oneal.
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Absent—Excused.

Beck.	Martin.
Fellbaum.	Woodward.
Hopkins.	

Read third time and finally passed by the following vote:

Yeas—23.

Blackert.	Duggan.
Cousins.	Greer.

Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Neal.	Small.
Pace.	Stone.
Parr.	Woodruff.
Patton.	Woodul.
Poage.	Woodward.
Rawlings.	

Nays—6.

Collie.	Murphy.
DeBerry.	Oneal.
Moore.	Purl.

Absent—Excused.

Beck.	Fellbaum.
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Senate Bill No. 19.

The Chair laid before the Senate on its second reading the following bill:

By Senator Poage:

S. B. No. 19, A bill to be entitled "An Act to validate the adoption papers that were signed by the adopting parent or parents prior to January 1, 1923, and making the Acts of adoption prior thereto valid, whether the adoption papers were authenticated or acknowledged as deeds are required to be, or whether same were filed for record prior to the death of the adopting parent or parents."

The bill was read second time and passed to engrossment.

On motion of Senator Poage, the constitutional rule, requiring bills to be read on three several days, was suspended, and S. B. No. 19 was put on its third reading and final passage by the following vote:

Yeas—26.

Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodul.
Oneal.	Woodruff.
Pace.	Woodward.
Parr.	

Absent—Excused.

Beck.	Martin.
Fellbaum.	Woodward.
Hopkins.	

Read third time and finally passed by the following vote:

Yeas—25.

Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Parr.	

Nays—1.

Pace.

Absent—Excused.

Beck.	Martin.
Fellbaum.	Woodward.
Hopkins.	

Senate Bill No. 50.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 50, A bill to be entitled "An Act amending Article 650 of the Code of Criminal Procedure of the State of Texas, and repealing Article 651 and Article 711 of the Code of Criminal Procedure of the State of Texas, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Collie, the constitutional rule, requiring bills to be read on three several days, was suspended, and S. B. No. 50 was put on its third reading and final passage by the following vote:

Yeas—26.

Blackert.	Murphy.
Collie.	Neal.
Cousins.	Oneal.
DeBerry.	Pace.
Duggan.	Parr.
Greer.	Patton.
Holbrook.	Poage.
Hornsby.	Purl.
Moore.	Rawlings.

Redditt.	Small.
Regan.	Stone.
Russek.	Woodruff.
Sanderford.	Woodul.

Absent—Excused.

Beck.	Martin.
Fellbaum.	Woodward.
Hopkins.	

Read third time and finally passed by the following vote:

Yeas—24.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.

Nays—2.

Pace.	Redditt.
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Absent—Excused.

Beck.	Martin.
Fellbaum.	Woodward.
Hopkins.	

H. B. No. 28 Set as Special Order.

On motion of Senator Stone, H. B. No. 28 was set for special order just after the first special order on Monday morning.

Senate Bill No. 69.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 69, A bill to be entitled "An Act amending Chapter 9, Acts of the First Called Session of the Forty-second Legislature, by adding thereto a new section, Section 3-a, authorizing the governing bodies of cities, towns and villages to reduce the required collateral of city depository banks in a sum equal to the amount of such deposits as may be guaranteed or insured by any Act of the Congress of the United States, or by the Legislature of Texas, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Greer the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 69 was put on its third reading and final passage by the following vote:

Yeas—25.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	

Nay—1.

Rawlings.

Absent—Excused.

Beck.	Martin.
Fellbaum.	Woodward.
Hopkins.	

Read third time and finally passed by the following vote:

Yeas—23.

Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Redditt.
Duggan.	Regan.
Greer.	Russek.
Hornsby.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Parr.	

Nays—3.

Holbrook.	Rawlings.
Pace.	

Absent—Excused.

Beck.	Martin.
Fellbaum.	Woodward.
Hopkins.	

Senate Bill No. 29.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 29, A bill to be entitled "An Act amending Article 2688, Title 49, Chapter Eleven, of the Revised Civil Statutes of Texas, 1925, as amended by Acts, 1931, H. B. No. 904, Chapter 357, General Laws, of the Regular Session of the Forty-second Legislature (same likewise appearing printed as H. B. No. 904, Chapter 212, page 426, Special Laws of the Regular Session of the Forty-second Legislature), and as further amended by Acts, 1932, H. B. No. 51, Chapter 21, pages 47 and 48, of the Third Called Session of the Forty-second Legislature, establishing the office of county superintendent of public instruction and providing that the commissioners' court of every county which has three (3,000) thousand scholastic population or more, as shown by the preceding scholastic census, shall, at the next general election after 1934, and likewise each four years thereafter, provide for the election of a county superintendent of public instruction to serve for a term of four (4) years; providing educational and other qualifications and prescribing certification of such county superintendents, and providing that the commissioners' court shall provide such official with an office in the courthouse and with necessary office furniture and fixtures and equipment; providing that the present term of office of all county superintendents heretofore elected or appointed shall continue until the next general election after 1934, hereinabove specified, and until their successors have been duly elected according to law and have duly qualified; providing for the appointment by the commissioners' court, in every county which attains three (3,000) thousand scholastic population or more, of a county superintendent of public instruction who shall perform the duties of such office until the election and qualification of his successor; providing that in counties having less than three (3,000) thousand scholastic population, whenever more than twenty-five (25%) per cent of the qualified voters of said county, as shown by the vote for Governor at the preced-

ing general election, shall petition the commissioners' court therefor, said court shall order an election for said county to determine whether or not the office of county superintendent of public instruction shall be created in said county, and providing that if a majority of the qualified property taxpaying voters voting at said election shall vote for the creation of the office of county superintendent of public instruction in said county, the commissioners' court, at its next regular term after the holding of said election, shall create the office of county superintendent of public instruction and name a county superintendent of public instruction who shall qualify under this chapter and hold such office until the next general election for such office under this article; providing that in counties having a scholastic population of between three (3,000) thousand and five (5,000) thousand scholastics, wherein the office of county superintendent of public instruction has not been created and a superintendent elected, then in such counties the question of whether or not such office is established shall be determined by the qualified voters of said county in a special election called therefor by the commissioners' court of said county, upon petition therefor as herein specified, and declaring an emergency."

Senator Murphy sent up the following amendment:

Amend S. B. No. 29, page 2, line 13, by striking out the word "after" and insert in lieu thereof the word "in."

MURPHY.

The amendment was adopted.

The following Senators were recorded as voting "nay" on the amendment:

Senators Woodul and Moore.

Senator Murphy sent up the following amendment:

Amend S. B. No. 29, page 2, line 5, by striking out the word "after" and insert in lieu thereof the word "in."

MURPHY.

The following Senator was recorded as voting "no" on the amendment:

Senator Moore.

The bill was read second time and passed to engrossment by the following vote:

Yeas—15.

Cousins.	Parr.
Duggan.	Purl.
Greer.	Regan.
Hornsby.	Russek.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	

Nays—6.

Blackert.	Holbrook.
Collie.	Poage.
DeBerry.	Rawlings.

Absent—Excused.

Beck.	Martin.
Fellbaum.	Woodward.
Hopkins.	

Absent.

Pace.	Sanderford.
Patton.	Small.
Redditt.	

Senator Moore moved to suspend the constitutional rule requiring bills to be read on three several days.

The motion was lost by the following vote:

Yeas—16.

Blackert.	Neal.
Collie.	Parr.
Cousins.	Purl.
Duggan.	Regan.
Greer.	Russek.
Hornsby.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.

Nays—4.

DeBerry.	Poage.
Holbrook.	Rawlings.

Absent—Excused.

Beck.	Martin.
Fellbaum.	Woodward.
Hopkins.	

Absent.

Oneal.	Redditt.
Pace.	Sanderford.
Patton.	Small.

Adjourned.

On motion of Senator DeBerry,

the Senate, at 11:50 o'clock p. m., adjourned until 10 o'clock Monday morning.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Feb. 24, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 23 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, Feb. 23, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 77 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, Feb. 23, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 76 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, Feb. 24, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 78 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Feb. 24, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 69, A bill to be entitled "An Act amending Chapter 9, Acts of the First Called Session of the Forty-second Legislature, by adding thereto a new section 3-a, authorizing the governing bodies of cities, towns and villages to reduce the required collateral of city depository

banks in a sum equal to the amount of such deposits as may be guaranteed or insured by any Act of the Congress of the United States, or by the Legislature of Texas; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, Feb. 24, 1934.

Hon Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Lands and Buildings, to whom was referred

H. B. No. 136, A bill to be entitled "An Act withdrawing from sale or lease for minerals or otherwise all lands situated in the bed of the Nueces River between the lower boundary of La Fruta Dam, now being reconstructed by the City of Corpus Christi, and the junction of the Nueces River with the eastern boundary line of McMullen County, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODRUFF, Chairman.

Committee Room,

Austin, Texas, Feb. 24, 1934.

Hon Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 144, A bill to be entitled "An Act amending Article 3883 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 220, Acts of the Regular Session of the Forty-third Legislature; and amending Article 3902 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 220, Acts of the Regular Session of the Forty-third Legislature; providing for the fees of office that may be retained by certain precinct officers in certain counties; providing for salaries that may be paid certain assistants to certain officers in certain counties, and declaring an emergency."

Have had the same under consideration, and I am instructed to

report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Vice-Chairman.

Committee Room,

Austin, Texas, Feb. 24, 1934.

Hon Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game, Fish and Oysters, to whom was referred

H. B. No. 101, A bill to be entitled "An Act declaring the collared peccary or javelina a game animal; providing an open season for taking same and the number that may be taken or possessed; prohibiting the sale of any peccary or part of such animal; providing suitable penalty, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be no printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, Feb. 24, 1934.

Hon Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

H. B. No. 88, A bill to be entitled "An Act declaring the policy of the Legislature to provide for the general welfare by co-operation with the Federal Government in making effective the provisions of the National Agricultural Adjustment Act and the National Recovery Act within the State of Texas with reference to producers, distributors and processors of milk products; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass, and be not printed as the Senate bill dealing with the same subject has been printed.

DeBERRY, Chairman.

Committee Room,

Austin, Texas, Feb. 24, 1934.

Hon Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 168, A bill to be entitled "An Act providing that cities with

a population of more than nine thousand and seventy (9,070) and less than nine thousand and eighty (9,080) inhabitants according to the last preceding Federal Census, may mortgage and encumber their abattoirs, irrigation systems and/or airports and the income thereof, or either of them for the purpose of acquiring or improving the same; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

COLLIE, Chairman.

EIGHTEENTH DAY.

Senate Chamber,
Austin, Texas,
February 26, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Fellbaum.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

House Bill No. 95.

The Chair laid before the Senate

on its second reading the following bill:

H. B. No. 95, A bill to be entitled "An Act amending Article 1119, of the Revised Civil Statutes of 1925, so as to change the population of towns coming within its scope from two thousand (2,000) to five hundred (500); and to limit the earnings of persons, companies, or corporations, coming within the provisions of said article, to an amount not exceeding a fair return upon the fair value of property used and useful in rendering its service to the public; which return shall never exceed ten per cent (10%) per annum, and declaring an emergency."

Senator Woodward sent up the following amendment:

Amend H. B. No. 95, by striking out Section 1 thereof and substituting in lieu thereof the following:

Section 1. That Article 1119 of the Revised Civil Statutes of Texas of 1925 be amended so as to hereafter read as follows:

"Article 1119. The governing bodies of all incorporated cities and towns of this State shall have the power to prohibit, by ordinance, any and all persons, firms or corporations engaged in furnishing water, gas (whether artificial or natural), telephone, light, sewerage, or steam-heating service, from charging extortionate or excessive rates or from charging any rate or compensation that will yield in excess of a reasonable return upon the fair value of the property devoted to the furnishing of such service or commodity, which return in any event shall never exceed ten per cent (10%) per annum, and shall have the power to fix and regulate the rates and charges of all such persons, firms or corporations enjoying a monopoly in the use of the streets, alleys and public grounds of such cities and towns, and also to prescribe reasonable rules and regulations under which such commodities shall be furnished or service rendered, and shall have the power to fix penalties to enforce such charges, rules and regulations, said rates and charges to be based upon the fair value of the property devoted to furnishing such commodity or service; provided, that in fixing such rates and charges the governing bodies shall not take into consideration any stocks or bonds